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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LISSA CANAVAN et al.,

Plaintiffs,

v.

STEPHEN HARBECK et al.,

Defendants.

Hon. Faith S. Hochberg

Civil Action No. 10-954 (FSH)

CERTIFICATION OF SCOPE OF EMPLOYMENT

I, Phyllis J. Pyles, am Director of the Torts Branch, Civil Division, United States Department of Justice. I have read the Complaint, which seeks to hold Defendants David G. Nason and David J. Stockton, among others, liable for

actions taken in their capacity as directors of the Securities Investor Protection Corporation (“SIPC”).

Mr. Nason was appointed as a director of the SIPC by the Secretary of the Treasury pursuant to the Securities Investor Protection Act (“SIPA”), which provides that “[o]ne director [of the SIPC] shall be appointed by the Secretary of the Treasury from among the officers and employees of the Department of the Treasury.” 15 U.S.C. § 78ccc(c)(2)(A). As a director of the SIPC, Mr. Nason represented the interests of the United States, and the acts performed by him that are the subject of the Complaint were performed on behalf of the United States.

Mr. Stockton was appointed as a director of the SIPC by the Board of Governors of the Federal Reserve System pursuant to SIPA, which provides that “[o]ne director [of the SIPC] shall be appointed by the Federal Reserve Board from among the officers and employees of the Federal Reserve Board.” 15 U.S.C. § 78ccc(c)(2)(B). As a director of the SIPC, Mr. Stockton represented the interests of the United States, and the acts performed by him that are the subject of the Complaint were performed on behalf of the United States.

Pursuant to the provisions of 28 U.S.C. § 2679(d), and by the virtue of the authority vested in me by the Attorney General under 28 C.F.R. § 15.4, I hereby find, on the basis of the information now available with respect to the incidents

alleged in the Complaint, that David G. Nason and David J. Stockton were employees of the United States and were acting within the scope of their employment.



Phyllis J. Pyles
Director, Torts Branch
Civil Division
United States Department of Justice
Washington, D.C.

DATED: April 8, 2010